

**Notice of Allowability**

Application No.

10/600,261

Examiner

Anthony Fick

Applicant(s)

KONSTANTIN, MOSHE

Art Unit

1753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's after final amendment of 7/6/07.
2. ☒ The allowed claim(s) is/are 2-27, 29, 31-37, 43, 45 and 48-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

## **DETAILED ACTION**

### ***Remarks***

1. The examiner's amendment below overcomes the previous 35 U.S.C. 112 second paragraph rejection of claim 15. The rejection is therefore withdrawn.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Sufrin on July 16, 2007.

The application has been amended as follows:

- a) Claim 15, line 2: between "members" and "are spaced" the following has been inserted – include engagement surfaces and the light-controlling members – .

### ***Allowable Subject Matter***

3. Claims 2-27, 29, 31-37, 43, 45 and 48-50 are allowed.
4. The following is an examiner's statement of reasons for allowance: claims 32 through 35 all require specific contacting engagement surfaces or cross sectional shapes of the light controlling members. The closest prior art is to Givoni (U.S. 6,978,578).

Givoni discloses a panel unit of controllable light transmission. The device is best shown within figure 1. Figure 1 shows the panel unit comprising a pair of spaced-

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apart transparent/translucent panels, 2 and 2', and a plurality of light-controlling members positioned between the panels and mounted for rotation about their longitudinal axes, 6. Figures 2 and 3 display the light controlling members, 6, each having a substantially light blocking surface, 40, and an engagement surface in contact with an engagement surface of an adjacent light controlling member, 20. Figure 1 further shows gearboxes, 14, that rotate the light controlling members to vary the level of light passing through the panel (column 4, paragraphs 5, 6 and 7). Figures 1 and 2 also show elongated carriage members, 8, having a series of scalloped surfaces. The carriage members are between the panels and define annular openings with the light controlling members supported for rotational movement within the openings (figure 2). Figure 1 further shows a carriage member at the front of the panel near the gear boxes (bottom left of the figure) and a carriage member at the back of the panel (upper right of the figure).

Givoni discloses a variety of configurations for the light blocking members but does not disclose the requirements of the claims. The high friction material or notched bands of claims 32 and 33 would not be obvious to include in the device of Givoni since the engagement surfaces, 20, come into contact with the carriage member 8 (see figure 2) and these modifications would not allow the members to spin as easily, thus requiring more power to run the device. As each member rotates via its own gearbox, it also would not be obvious to utilize the cogwheel cross-section as that cross-section provides no benefits over the design in figure 6 of Givoni.

Claims 48 through 50 require carriage members positioned above the light controlling members that have scalloped surfaces and/or are unopposed. As shown in figures 1 and 2 of Givoni, the upper carriage members are flat and have other carriage members placed opposite them. The purpose of these carriage members is to maintain the array of light blocking members without causing additional friction to the members' rotation. Givoni discloses the flat upper carriage member does not cause additional friction, thus it would not be obvious to alter the upper carriage member to include scalloped surfaces. Further, the use of the upper and lower members keeps the light blocking members within the array and removal of the lower member would destroy the invention of Givoni. The remaining claims depend from independent claim 49 and are thus allowable for the same reasoning.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Fick whose telephone number is (571) 272-6393. The examiner can normally be reached on Monday - Friday 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Fick  
AU 1753  
July 16, 2007

*ADF*

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